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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

HAROLD DAVIS,

Plaintiff,

v.

C-CHANGE MEDIA INC.,

Defendant.

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: Civil Action No.: 18-cv-4431  
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: COMPLAINT AND JURY DEMAND  
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**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, HAROLD DAVIS (“Davis” or “Plaintiff”), brings this complaint in the United States District Court for the Northern District of California against C-CHANGE MEDIA INC. (“C-Change” or “Defendant”), alleging as follows:

**PARTIES**

1. Plaintiff is an internationally-known digital artist and award-winning professional photographer. Davis is also the author of many bestselling photography books including: *The Way of the Digital Photographer* (Peachpit Press, awarded as a Best Photography Book of the Year by Photo.net); *Achieving Your Potential As a Photographer: A Photographer’s Creative Companion and Workbook* (Focal Press); and *Photographing Flowers* (Focal Press, rated the Best Guide to Flower Photography by Digital Photographer Magazine).
2. Plaintiff is an Adobe Influencer, a Moab Master printmaker and a Zeiss Lens Ambassador. Davis’s photographs have been licensed by art publishers, corporations, and online and print publications throughout the world.
3. Plaintiff’s work has been exhibited in venues worldwide including but not limited to: Photokina (Cologne, Germany); PhotoPlus Expo (New York, New York); Weston Gallery (Carmel, CA); the Gallery Photo in (Oakland, California); the Arts & Friends Gallery (Heidelberg, Germany); and the Awagami Gallery (Tokushima, Japan).
4. On information and belief, Defendant is a Domestic Stock Corporation existing under the laws of the state of California, with headquarters in Oakland, California. Defendant is a digital media company. Defendant owns and operates several websites, including [www.poetsandquants.com](http://www.poetsandquants.com), [www.poetsandquantsforundergrads.com](http://www.poetsandquantsforundergrads.com), [www.poetsandquantsforexecs.com](http://www.poetsandquantsforexecs.com), [www.tippingthescales.com](http://www.tippingthescales.com), and [www.weseegenius.com](http://www.weseegenius.com).

**JURISDICTION AND VENUE**

5. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
6. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
7. Defendant is subject to personal jurisdiction in California.
8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.
9. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

**FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

10. Plaintiff captured the photograph, “City of Light” (“Copyrighted Photograph”) on April 20, 2013 in Paris, France. [Exhibit 1]. Plaintiff captured Copyrighted Photograph using great technical skill and careful timing, as well as significant time and energy.
11. Plaintiff registered Copyrighted Photograph with the United States Copyright Office on May 17, 2016 (Registration No.: VA 2-010-613). [Exhibit 2].
12. On or about September 12, 2016, Plaintiff posted Copyrighted Photograph to [www.digitalfieldguide.com/blog/11332](http://www.digitalfieldguide.com/blog/11332) (Last visited June 10, 2018). [Exhibit 3].
13. Beginning on or about September 12, 2016, Defendant copied and posted Copyrighted Photograph to the Defendant’s commercial website, [www.poetsandquants.com](http://www.poetsandquants.com) (Last visited June 10, 2018).
14. Defendant posted Copyrighted Photograph to the following URL:
  - [www.poetsandquants.com/2016/09/12/meet-hec-paris-mba-class-2018/2](http://www.poetsandquants.com/2016/09/12/meet-hec-paris-mba-class-2018/2) (Last visited June 10, 2018). [Exhibit 4].
15. Defendant used Copyrighted Photograph as a nearly full-page photograph to accompany the post, “Meet The HEC Paris MBA Class OF 2018,” authored by Jeff Schmidt. [Exhibit 4].

**COUNT I:**

**INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.**

16. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

17. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Photograph, which is the subject of a valid of Copyright Registration by the Register of Copyrights.

18. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce and distribute the Copyrighted Photograph to the public.

19. Plaintiff is informed and believes Defendant, without the permission or consent of Plaintiff, copied and used Copyrighted Photograph on Defendant's commercial website, [www.poetsandquants.com](http://www.poetsandquants.com). In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.

20. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.

21. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual or statutory damages, including any profits realized by Defendant attributable to the infringement, pursuant to 17 U.S.C. § 504 for Defendant's infringement of Copyrighted Photograph.

**COUNT II:**

**CONTRIBUTORY INFRINGEMENT**

22. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly made available Copyrighted Photograph to third party publishers by posting active links to social media companies immediately adjacent to Copyrighted Photograph.

23. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, had knowledge or reason to know of such contributory infringement.

24. As a result of Defendant's actions, Plaintiff is entitled to actual damages or such other and further relief as is just and proper.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, its officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendant intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;
- D. Awarding Plaintiff actual and/or statutory damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505; and
- F. Awarding Plaintiff such other and further relief as is just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: July 23, 2018

**REESE LLP**

/s/ Michael R. Reese

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- and -

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*Counsel for Plaintiff*

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**EXHIBIT 1**





**EXHIBIT 2****Certificate of Registration**

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maurin A. Pallante*

United States Register of Copyrights and Director

**Registration Number**

**VA 2-010-613**

**Effective Date of Registration:**

May 17, 2016

**Title**

**Title of Work:** Group Registration Photos, Harold Davis, published January 1, 2013, to December 30, 2013; 334 photos

**Content Title:** Post Auto

Old Bay Bridge Pylons

Old Tree Roots in a Temple Yard

Tail light

Dhyana Mudra

Tokyo Imperial Palace Moat

Imperial Moat

On the Highline, New York

White Chrysanthemum Japonicum at Giverny

Negative Space

Structure to Noise

Contemplation

Meditation

La Basilique du Sacré-Cœur de Montmartre

Tulip

Red Tulips in a Glass Vase

Rose center curves

As Time Goes By

Panorama of the Kumano Sanzen Roppyaku Po

Distant Japanese Landscape

Panorama of the Kumano Sanzen Roppyaku Po

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La Tour Eiffel  
Parc de Sceaux  
Harold Davis workshop at Giverny  
San Sulpice  
Bourg-la-Reine  
Harold's Feet  
Fontaine Saint-Michel  
Luxembourg Gardens  
Institut de France  
Paris Street Tart  
Notre Dame  
Carafe at Lunch  
Opera Garnier  
City of Light  
Quai de Bourbon  
Orchid  
"Doc Hudson" on Solano  
Hudson Hornet Hood Ornament  
Granite Sea  
Katie Rose in Tiger Paint  
Piggyback Waterdrop  
Windswept Sea  
Ranunculus and Sheep Skull  
Calypso Orchid  
Piggyback  
Sand Dollar  
Death Valley Badlands  
Shadow of the Belltower  
Arizona Plateau at Sunset  
Barn Door  
Black Glass

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**EXHIBIT 3**

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The screenshot shows a web browser window with the URL <https://www.digitalfieldguide.com/paris-workshop-2014-april>. The website header features the name "Harold Davis" and the tagline "Creative vision, quality, and craft in photography and digital art". A navigation menu includes links for HOME, LEARNING, FAQs, ART EDITIONS, BLOG, PORTFOLIOS, and ABOUT. The main content area is titled "2014 Photograph Paris with Harold Davis Workshop" and lists the dates "April 26 – May 4, 2014" and "9 Days in Paris with Harold Davis". A link is provided to register for the workshop. Below the text is a large photograph of the Paris skyline at night, with the Eiffel Tower illuminated. The caption below the photo reads "Les Lumières de Paris © Harold Davis". At the bottom of the page, contact information for Accolades International Tours for the Arts is provided, including the address "2000 West 98<sup>th</sup> Street, Minneapolis MN 55431-2593", phone and fax numbers, the website [www.gtd.org](http://www.gtd.org), and a contact email [snohte@gtd.org](mailto:snohte@gtd.org).

Offered in cooperation with Accolades International Tours for the Arts, A division of Group Travel Directors

2000 West 98<sup>th</sup> Street  
Minneapolis MN 55431-2593

Phone: 952-881-7811; Toll Free: 800-747-2255; Fax: 952-881-6276

[www.gtd.org](http://www.gtd.org)

For more information, please contact Sarah Loan Nolte, [snohte@gtd.org](mailto:snohte@gtd.org)

**EXHIBIT 4**

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The screenshot shows the Poets & Quants website. The URL in the browser is <https://poetsandquants.com/2016/09/12/meet-hec-paris-mba-class-2018/2/>. The page features the Poets & Quants logo at the top, which includes a stylized red and blue ball. Below the logo is a navigation bar with links: HOME, NEWS, RANKINGS, GMAT / GRE, ADMISSIONS, SCHOOLS, STUDENTS, JOBS, EMBA, VIDEOS, EVENTS, and DIRECTORIES. The article title is "Meet The HEC Paris MBA Class Of 2018" by Jeff Schmitt, dated September 12, 2016, with 0 comments and 16,450 views. The article features a large image of the Paris skyline at night, with the Eiffel Tower illuminated. Below the image is the caption "Paris, the City of Light". The article text begins with "YOU CAN'T BEAT PARIS FOR CULTURE AND NIGHT LIFE" and discusses the school's location and its ranking. On the right side of the page, there is a sidebar with a search bar, social media links, and a list of "THIS WEEK'S MOST VIEWED" articles, including "Kellogg Topples Booth To Capture First In 2017 Economist Ranking" and "The New FAKE MBA Ranking From The Princeton Review".